

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69604 of 2023

Arising Out of PS. Case No.-133 Year-2023 Thana- BACHHWARA District- Begusarai

Shubham Kumar, S/o MOHAN ROY Village- Rani W. No-3, PS- Bachhwara
Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey, Advocate

For the Opposite Party/s : Mr.Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Bachhwara P.S. Case No. 133/2023, lodged on 02.05.2023
under Sections 302/394/34 of the Indian Penal Code and Section
27 of the Arms Act.

3. As per the prosecution case, the FIR has been
lodged against three unknown accused persons alleging therein
that while the informant along with his brother was going to
attend Yagya on a bicycle, the accused persons got his vehicle
stopped and tried to snatch the vehicle. On protest being made,
the accused persons started indiscriminate firing which hit the
brother of the informant, as a result of which he died.

4. Learned counsel for the petitioner submits that



though the petitioner is the informant in the present case, but on the basis of the confessional statement of co-accused, Raj Kumar Jha, he has been made accused in the present case. He further submits that the petitioner is innocent and the police have falsely implicated him in the present case. The antecedent of the petitioner is clean and he is in custody since 15.05.2023.

5. Learned counsel for the State opposes the prayer for bail and submits that the order rejecting the bail application of the petitioner by the trial court reflects that the petitioner is involved in the conspiracy of murder of his brother as he has a love affair with the wife of the deceased. The name of the petitioner has figured in this case on the basis of the confessional statement of co-accused, Raj Kumar Jha, and subsequently, arms used in the said occurrence have also been recovered.

6. In the present facts and circumstances, I am not inclined to grant regular bail to the petitioner.

7. Accordingly, the prayer for regular bail of the petitioner in connection with Bachhwara P.S. Case No. 133/2023 pending before the learned ACJM, Teghra, Begusarai is hereby rejected.

8. However, the trial Court is directed to release the



petitioner on bail by imposing its own condition so that the petitioner may not evade appearance during trial if he renews his prayer for bail after framing of charge.

10. With this observation, the bail application stands disposed of.

(Dr. Anshuman, J)

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